

Adopted	Rejected
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## COMMITTEE REPORT

YES:	27
NO:	0

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 4-13-16.5-2, AS AMENDED BY P.L.42-2002,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: Sec. 2. (a) There is established a governor's
- 8 commission on minority and women's business enterprises. The
- 9 commission shall consist of the following members:
- 10 (1) A governor's designee, who shall serve as chairman of the
- 11 commission.
- 12 (2) The commissioner of the Indiana department of transportation.
- 13 (3) The director of the department of commerce.
- 14 (4) The commissioner of the department.

(5) Nine (9) individuals with demonstrated capabilities in business and industry, especially minority and women's business enterprises, appointed by the governor from the following geographical areas of the state:

(A) Three (3) from the northern one-third (1/3) of the state.

(B) Three (3) from the central one-third (1/3) of the state.

(C) Three (3) from the southern one-third (1/3) of the state.

(6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.

(7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore of the senate to serve in a nonvoting advisory capacity.

Not more than six (6) of the ten (10) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(b) Each member of the commission who is not a state employee is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.

(d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

1 (2) Reimbursement for traveling expenses as provided under  
2 IC 4-13-1-4.

3 (3) Other expenses actually incurred in connection with the  
4 member's duties.

5 (e) The commission shall meet at least four (4) times each year and  
6 at other times as the chairman deems necessary.

7 (f) The duties of the commission shall include but not be limited to  
8 the following:

9 (1) Identify minority and women's business enterprises in the  
10 state.

11 (2) Assess the needs of minority and women's business  
12 enterprises.

13 (3) Initiate aggressive programs to assist minority and women's  
14 business enterprises in obtaining state contracts.

15 (4) Give special publicity to procurement, bidding, and qualifying  
16 procedures.

17 (5) Include minority and women's business enterprises on  
18 solicitation mailing lists.

19 (6) Define the duties, goals, and objectives of the deputy  
20 commissioner of the department as created under this chapter to  
21 assure compliance by all state agencies with state and federal  
22 legislation and policy concerning the awarding of contracts to  
23 minority and women's business enterprises.

24 (7) Establish annual goals:

25 (A) for the use of minority and women's business enterprises;  
26 and

27 (B) derived from a statistical analysis of utilization study of  
28 state contracts that are required to be updated every five (5)  
29 years.

30 (8) Prepare a review of the commission and the various affected  
31 departments of government to be submitted to the governor and  
32 the legislative council on March 1 and October 1 of each year,  
33 evaluating progress made in the areas defined in this subsection.

34 ~~(g) The department shall develop size standards based on 13 CFR~~  
35 ~~121.~~

36 ~~(h)~~ (g) The department shall adopt rules of ethics under IC 4-22-2  
37 for commission members other than commission members appointed  
38 under subsection (a)(6) or (a)(7).

1        ~~(i)~~ **(h)** The department shall furnish administrative support and staff  
 2 as is necessary for the effective operation of the commission.

3        SECTION 2. IC 4-13-16.5-4, AS ADDED BY P.L.195-2001,  
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 4. (a) Before January 1 of even-numbered  
 6 years, the department shall determine whether, during the most recently  
 7 completed two (2) year period ending the previous July 1, the goals set  
 8 under section 2(f)(7) of this chapter have been met.

9        (b) The department shall adopt rules under IC 4-22-2 to ensure that  
 10 the goals set under section 2(f)(7) of this chapter are met. ~~The rules~~  
 11 ~~adopted by the department must provide that if a business qualifies as~~  
 12 ~~both a minority business enterprise and a women's business enterprise;~~  
 13 ~~a contract awarded to the business is considered awarded to a minority~~  
 14 ~~business enterprise. Expenditures with business enterprises that~~  
 15 ~~qualify as both a minority business enterprise and a women's~~  
 16 ~~business enterprise may be counted toward the attainment of the~~  
 17 ~~goal for either:~~

18            (1) minority business enterprises; or  
 19            (2) women's business enterprises;  
 20 **at the election made by the procurer of goods, services, or goods**  
 21 **and services, but not both.**

22        SECTION 3. **An emergency is declared for this act.**

(Reference is to HB 1129 as introduced.)

**and when so amended that said bill do pass.**

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Representative Crawford